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Security Council

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Letter dated 30 September 2002 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 26 September 2002, which I received from the Secretary-General of the North Atlantic Treaty Organization.

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

02-61373 (E) 021002

Annex

Letter dated 26 September 2002 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the August monthly report on SFOR operations (see enclosure). I would appreciate your making this report available to the Security Council.

(*Signed*) George **Robertson**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. Over the reporting period (1-31 August 2002) there were almost 15,500 troops deployed in Bosnia and Herzegovina and Croatia, with contributions from the North Atlantic Treaty Organization (NATO) allies and from 15 non-NATO countries.

2. During the period under review, the situation in Bosnia and Herzegovina continued to remain stable.

Security

3. The Stabilization Force (SFOR) continues to contribute towards the maintenance of a safe and secure environment in Bosnia and Herzegovina; monitor compliance by the Entity Armed Forces; conduct inspections and consolidation of weapons storage sites; provide support to the international organizations working in theatre, and to the Federation authorities in collecting weapons and ammunition within the framework of Operation Harvest; and monitor possible terrorist-related threats throughout the country.

4. SFOR continued Operation Harvest during August. In the period from 1 January to 31 August 2002, the total number of weapons and ammunition collected amounted to: 6,429 small arms (rifles, pistols and revolvers); 1,544,002 rounds of ammunition less than 20 mm; 14,034 rounds of ammunition between 20 mm and 76 mm; 2,293 rounds of ammunition more than 76 mm; 29,448 hand grenades; 3,386 mines; 6,372 kilograms of explosives; and 40,098 other items (mortars, mortar rounds, rifle grenades and handmade ordnance).

5. From 14 to 16 August, SFOR conducted ground and helicopter operations in the Republika Srpska in cooperation with the Republika Srpska's Ministry of Interior Police to target Radovan Karadzic's support network.[a]

6. On 26 August, the Bosnia and Herzegovina Presidency restructured the Standing Committee on Military Matters, strengthening the state-level control over defence, notably removing the Entity Defence Ministers, the military commanders and the military advisers to the Presidency, and including the Chairman of the Council of Ministers, the Minister of Foreign Affairs and the Entity Presidents. In addition, the position of Secretary General of the Standing Committee will be created, and a military commission will be responsible for operational issues and doctrine. It is believed that the Standing Committee will become more effective and provide NATO and other organizations a single point of contact with Bosnia and Herzegovina for defence matters.

Cooperation and compliance by the parties

7. The Entity Armed Forces carried out regular training activities during the reporting period which were generally in compliance with the military provisions of the Dayton Peace Agreement.

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[a] The Russian Federation reserves its special position on these matters.

8. During the period under review, SFOR monitored 248 training and movement activities: 127 VRS (Army of Republika Srpska); and 121 AFBIH (Army of the Federation of Bosnia and Herzegovina).

9. A total of 673 mine-clearing activities were monitored over this period: 283 VRS and 390 AFBIH.

10. SFOR also carried out 98 inspections and verifications of weapons and storage sites: 40 VRS and 58 AFBIH.

11. On 2 August, SFOR confiscated almost 400,000 small arm rounds from the Military School of VRBAS and from the Krcmarie site. The amount of ammunition held at these two sites was considerably above the upper limit set by SFOR.

12. On 14 August, an inspection of the weapons and storage sites at Sarica revealed that 15 M70 rifles were missing. This is the third case of weapons theft from a VRS site reported this year. Subsequently, SFOR confiscated an additional 15 M70 rifles, pending the outcome of an internal investigation being carried out by VRS.

Cooperation with international organizations

13. Within capabilities and in accordance with its mandate, SFOR continues to provide assistance to the international organizations in theatre, including the United Nations Mission in Bosnia and Herzegovina, the International Police Task Force, the Office of the High Representative, the International Tribunal for the former Yugoslavia, the Organization for Security and Cooperation in Europe and the Office of the United Nations High Commissioner for Refugees.

14. On 19 August, SFOR representatives met the Republika Srpska Air Force and Air Defence Commander to discuss the progress made in the assumption by the Republika Srpska of search and rescue duties by 1 October. While it is likely that sufficient aircrews will be trained by then, SFOR is concerned about the lack of a detailed agreement for coordinating procedures among the different agencies involved (the Departments of Civil Aviation of the Federation and of the Republika Srpska as well as the Republika Srpska Air Defence and Air Force).

15. Following the alleged border violation at the Kostajnica bridge previously reported, the border crossing between Croatia and Bosnia and Herzegovina at Kostajnica was opened on 26 August to civilian traffic after the signature of an agreement between the two Governments. The parties continue to work towards reaching an agreement so that commercial traffic can start to use the border crossing.

16. Assistance in the form of daily patrols continues to be provided by SFOR to the Office of the High Representative and the International Police Task Force near the Inter-Entity Boundary Line in the Dobrinja area, close to Sarajevo airport.

17. SFOR provided support to the International Tribunal during exhumations in the Zvornik area in the first and third weeks of August.

Outlook

18. The security situation is expected to remain stable. Preparations for the general elections to be held at the beginning of October continue to be low key.

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Letter dated 25 September 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

On 29 and 30 August 2002, the two Houses of the Transitional Parliament (National Assembly and Senate), expanded to include the members of the Government, the members of the National Communication Council and the members of the Peace Agreement Implementation Monitoring Committee, met in regular session to evaluate the implementation of the Arusha Agreement.

I transmit to you herewith three documents:

1. The conclusions of this first session (see annex I);

2. The resolutions of the session (see annex II);

3. The motions of support and gratitude adopted by the delegates (see annex III).

The fact that these meetings were held demonstrates the smooth functioning of the transitional institutions and the conclusions bear witness to the commitment of all concerned to remove the major obstacle to the peace process in Burundi by ending the war once and for all and improving the social and economic conditions of the population.

The contribution of the Security Council will no doubt be decisive.

I should be grateful if the three annexed documents could be circulated to the members of the Council as official documents.

(*Signed*) Marc **Nteturuye**
Ambassador
Permanent Representative

02-61684 (E) 071002 081002

Annex I to the letter dated 25 September 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Conclusions and recommendations of the first regular session of the Transitional Parliament

Introduction

1. In accordance with articles 131 and 132 of the Transitional Constitution of the Republic of Burundi, the Transitional Parliament met in its first regular session on 29 and 30 August 2002 at Kigobe Palace to evaluate the implementation of the Arusha Agreement.

2. The members of the Transitional Government of National Unity and the members of the National Communication Council also participated in the work of this session, in accordance with the relevant provisions on the subject in the Transitional Constitution.

3. The work of the session was based on the Evaluation Report on the Arusha Peace and Reconciliation Agreement for Burundi introduced on behalf of the Government by His Excellency the Vice-President of the Republic. Their Excellencies the Presidents of the Transitional National Assembly and of the Senate jointly presided over the session.

4. After the introduction of the Government's report, the participants in the session had an opportunity to make general observations and also to express views and ideas on each of the five protocols listed below, which make up the Arusha Peace and Reconciliation Agreement for Burundi. These are:

- Protocol I: Nature of the Burundi conflict, problems of genocide and exclusion and their solutions;
- Protocol II: Democracy and good governance;
- Protocol III: Peace and security for all;
- Protocol IV: Reconstruction and development;
- Protocol V: Guarantees on implementation of the Agreement.

I. Conclusions

1. Following an in-depth analysis of the Government's report, the delegates reaffirmed that the implementation of the Arusha Agreement is one of the constant concerns of the Transitional Government of National Unity. It represents an urgent mandate entrusted to it by the Agreement itself.

2. The delegates noted that, since it came to power, the Government has been striving to fulfil this mandate in actual local conditions in Burundi. Implementation of the Agreement involved its most important aspects and in particular the restoration of peace and security, institution building, formulation of certain texts and draft legislation needed for the proper functioning of the State, formulation of

the government programme and sectoral policies of the ministerial departments, establishment of the negotiated political order, rehabilitation of *sinistrés* and search for funding to revive the economy and implement the Agreement.

3. The delegates also realized that, in addition to the progress achieved in the context of the actual application of the Agreement, the Government has engaged in several other activities relating to its traditional tasks of managing the country in the political, administrative, security, economic and social spheres.

4. The delegates noted that the lack of a ceasefire is a major impediment to the strict and comprehensive implementation of the Agreement. They therefore urge all the political and military players to do everything possible for the speedy achievement of a definitive ceasefire.

5. The delegates to the first regular session of the Transitional Parliament also note that the Agreement is being implemented in an unfavourable social and political context because of the continuing war. Accordingly, they invite all the political players and particularly the signatories to accept this Agreement together, to speak the same language in the face of this situation and also to make consequential adjustments in the timetable of activities.

6. The delegates reaffirm their faith in the Arusha Peace and Reconciliation Agreement for Burundi. It is an important and historic political undertaking which embodies principles, political options and alternative solutions that can lead Burundi back to the path of peace, political stability, democracy, national reconciliation and development.

7. Lastly, the delegates condemn the resumption of violence perpetrated by armed political movements at a time when they are being urged to conclude a comprehensive and definitive ceasefire.

II. Recommendations

After two days of discussion, the participants in the first regular session of the Transitional Parliament, meeting at Kigobe Palace on 29 and 30 August 2002, made the following recommendations:

1. To the population of Burundi

- To feel extremely concerned about safeguarding security and peace for all and to become more involved in these efforts;
- To promote the strengthening of the three-pronged approach "Administration-Security Forces-Population" for promoting security and political stability in Burundi;
- To encourage all political players to continue the ceasefire negotiations in order to achieve a definitive agreement on the subject.

2. To the Government

- To draft all legislation needed for full implementation of the Agreement, in particular regarding the observatories mentioned in the Agreement;

- To pursue global and inclusive negotiations with the armed political movements in order to achieve a definitive ceasefire;
- To embark without delay on the grassroots campaign of education for peace, national unity and national reconciliation;
- To become more involved by engaging in active diplomacy to convince donors, and particularly the World Bank and the International Monetary Fund, to honour their commitments by giving Burundi the promised assistance, and also to consider the possibility of cancelling the external debt;
- To continue to implement the conclusions of the report of the Independent Commission of Inquiry studying the question of prisoners;
- To bear in mind the need to strengthen security and the three-pronged approach "Administration-Security Forces-Population", when appointing the various heads of administrations;
- To continue to introduce the judicial reforms envisaged in the Agreement;
- To formulate a comprehensive plan for the country's material and political reconstruction and economic and social development;
- To create mechanisms for the prevention and eradication of genocide, war crimes and other crimes against humanity and for combating impunity;
- To urge the United Nations Security Council to establish immediately the International Judicial Commission of Inquiry on genocide, war crimes and other crimes against humanity;
- To ratify the Rome Statute of the International Criminal Court in order to demonstrate its real willingness to combat genocide, war crimes and other crimes against humanity wherever they occur;
- To combat with assiduity corruption, misappropriation of funds and embezzlement of public money;
- To establish the Court of Audit as soon as possible to prevent instances of corruption, misappropriation of funds and mismanagement in order to promote good governance;
- To organize general meetings on the questions of economic and social development;
- To accelerate the establishment of the National Commission for the Rehabilitation of *Sinistrés* (CNRS) and the Sub-Commission on Land;
- To evolve suitable strategies for payment of the domestic and external debt;
- To assist the population affected by this period of war whenever necessary.

3. To Parliament

- To adopt as a matter of priority, as soon as the next Parliamentary session opens, all bills concerning the prevention and punishment of the crime of genocide, war crimes and other crimes against humanity already transmitted to the Bureau of the transitional National Assembly;

- To help the Government organize a large-scale campaign to educate the population for peace, unity and national reconciliation;
- To engage in active parliamentary diplomacy to convince the parliaments of other donor countries to honour their commitments by giving Burundi the assistance they have promised and to consider the possibility of cancelling the external debt;
- To become more involved in the search for peace and political stability in Burundi and to encourage the political and military players concerned to continue the global and inclusive ceasefire negotiations with a view to the speedy conclusion of a permanent and definitive ceasefire agreement;
- To participate as observer in the ceasefire negotiations;
- To implement programmes and actions to support the population in distress,
- To establish a Parliamentary Commission of Enquiry to verify whether foreign elements are involved in the Burundian conflict;
- To set up provincial offices for members of parliament in each district so that the Members and Senators can remain in close touch at all times with the people they represent.

4. To the signatory parties

- To contribute significantly to the strict and comprehensive implementation of the Agreement;
- To encourage all political and military players concerned to conduct global and inclusive negotiations leading to the signing of a permanent and definitive ceasefire agreement;
- To help organize the grass-roots campaign of education for peace, unity and national reconciliation;
- To accept the Agreement together and to speak the same language in view of the continuing war;
- To create a national consensus against the enemies of peace, unity and national reconciliation.

5. To the armed political movements

- To stop the war and the violence so as to ease the suffering of the Burundian people, which has been going on for close to 10 years;
- To initiate unconditional, global and inclusive negotiations with a view to concluding a definitive ceasefire agreement.

6. To the mediation team

- To encourage the transitional institutions to implement all the provisions of the Agreement;
- To become more involved in the search for a definitive ceasefire agreement, inter alia by making sure that all armed political groups involved in the Burundian conflict really participate;

- To convince donors to honour their commitments by providing the assistance they have promised.

7. To the subregional and international community

- To support Burundi in its search for peace and political stability;
- To do their utmost to convince the armed political movements to participate in the global and inclusive ceasefire negotiations and take punitive steps against groups that refuse to negotiate;
- To set up mechanisms for the prevention and eradication of genocide, war crimes and other crimes against humanity and to combat impunity;
- To continue supporting the peace and national reconciliation process in Burundi and to take all necessary steps to ensure that no rebel elements attack Burundi from their own countries in their capacity as guarantors of the implementation of the Arusha Peace and Reconciliation Agreement for Burundi.

Done at Bujumbura on 30 August 2002

Annex II to the letter dated 25 September 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Resolutions made at the first regular session of the Transitional Parliament

Pursuant to Articles 131 and 132 of the Transitional Constitution of the Republic of Burundi, the two Houses of the Transitional Parliament, expanded to include the members of the Transitional Government of National Unity and the members of the National Communication Council, met in regular session on 29 and 30 August 2002 in Kigobe Palace.

At the end of their discussions, delegates made the following resolutions:

1. Delegates reaffirm their faith in the Arusha Agreement and undertake to implement the relevant recommendations made at this session;

2. Delegates undertake to foster a culture of truth, non-violence and peaceful settlement of conflicts;

3. Delegates undertake, further, during the forthcoming parliamentary break in September 2002, to organize on-the-spot visits to bring this message of peace, unity and national reconciliation to the Burundian people, who are now in distress, in order to arouse and sustain their hopes of seeing the war come to an end at last;

4. Delegates undertake to consider all bills relating to the establishment of mechanisms and organs necessary for the prevention and punishment of the crime of genocide, war crimes and other crimes against humanity, exclusion and impunity;

5. Delegates undertake, lastly, to foster effective parliamentary diplomacy in the subregion and in the world as a whole so as to restore our country's image and secure the assistance needed for reconstruction, in order to ease the poverty of the Burundian population, which has become endemic and tragic.

I thank you.

Done at Bujumbura on 30 August 2002

Annex III to the letter dated 25 September 2002 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Motions of support and gratitude

Pursuant to Articles 131 and 132 of the Transitional Constitution of the Republic of Burundi, the two Houses of the Transitional Parliament, expanded to include the members of the Transitional Government of National Unity, and the members of the National Communication Council, met in regular session on 29 and 30 August 2002 in Kigobe Palace.

At the end of their discussions, delegates adopted the following motions of support and gratitude:

I. To the Mediator

1. Delegates wish to express their deepest gratitude to the Mediator, His Excellency President Nelson Mandela, and his team for the very considerable work done in the context of the process of resolving the Burundian conflict, which led to the signing of the Arusha Peace and Reconciliation Agreement for Burundi, on 28 August 2000;

2. Delegates welcome the efforts already initiated by the Mediator and his team to bring all armed movements to the table to negotiate a comprehensive and permanent ceasefire;

They encourage the Mediator to continue his personal involvement and to bring all his weight to bear so that the global and inclusive negotiations may soon result in the signing of a genuine, comprehensive and permanent ceasefire agreement;

Lastly, delegates ask him to use his influence to ensure that the financial assistance promised in Paris and Geneva is released.

II. To the Government

Delegates express their appreciation for what the Government has done already to implement the Agreement and encourage it to redouble its effort so that all provisions of the said Agreement may be implemented wherever possible;

They ask the Government to continue doing its utmost to afford maximum protection to the Burundian population during this time of war;

Delegates express their appreciation and encouragement for the three-pronged approach Administration-Population-Defence and Security Forces and request that it be well coordinated and strengthened by enhancing power at the grass-roots level;

Delegates also encourage the defence and security forces and ask them to continue working to defend and to ensure the safety of the entire population and of its property.

III. To the subregion

Delegates express their deepest gratitude to the Heads of State of the subregion for their positive involvement in the efforts to restore peace and security in Burundi and ask them to continue their efforts until a comprehensive and permanent ceasefire agreement is concluded confirming the ongoing negotiations.

IV. To the international community

Delegates wish to express their appreciation to the international community for its unwavering support throughout the search for peace in Burundi and ask it to continue doing its utmost until the ongoing ceasefire negotiations are completed;

They also ask it to demonstrate magnanimity and to honour its commitments by providing the financial assistance that was promised in Paris and in Geneva.

Done at Bujumbura on 30 August 2002